UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,711	07/01/2003	Joseph Zingher	00-559-C	4458

7590 06/17/2004

Edward K. Runyan
McDonnell Boehnen Hulbert & Berghoff
32nd Floor
300 S. Wacker Drive
Chicago, IL 60606

EXAMINER	
KOYAMA, KUMIKO C	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/611,711	ZINGHER ET AL.	
	Examiner	Art Unit	
	Kumiko C. Koyama	2876	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-33 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 01 July 2003 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 1, 2, 7, 8, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson et al (US 6,045,039) in view of Eisenberg (US 5,354,974).

Re claim 1, 2, 7, 8, 11: Stinson discloses an apparatus for providing automated financial transactions including an input device (col 19 lines 53-55), a cash dispenser (col 20 lines 12-13) for conducting transactions, and a biometric reader for receiving biometric information about a customer (col 19 lines 56-57). The apparatus further includes a processor (col 19 lines 61+) and a memory (col 19 lines 58-60). Stinson also teaches a biometric comparison routine executable by the processor to determine whether the biometric information read by the biometric reader represents a normal biometric identification value stored in the memory (col 19 lines 61+). The comparison routine is an identification software that compares an image of the customer produced by a camera with an image stored in conjunction with the customer's identficiation number in a database stored on the storage device (col 9, lines 56+). Software is a routine stored in a memory.

Although Stinson teaches the steps of storing user's biometric information to the memory and wherein the user's biometric information represents the user's identification, Stinson fails to

teach the steps of determining whether the user's identification represents a duress identification, and initiating an emergency response if the identification represents a duress identification. Stinson also fails to teach that the emergency response routing includes causing the communication device to contact an emergency operator.

Eisenberg discloses an emergency PIN number and a system that checks the entered PIN number to determine whether it is an emergency PIN number for that user or not and, if an emergency PIN number has been entered, actuating an alarm, preferably a silent alarm (col 1 lines 58-62). The silent alarm will enable bank security people or the police to be dispatched immediately to the ATM (col 1 lines 67+)

3. Claim 3-5, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson as modified by Eisenberg as applied to claim 1 and 8 above, and further in view of Zingher et al (US 5,731,575, as cited by the applicant). Stinson as modified by Eisenberg have been discussed above.

Re claims 3-5: Stinson as modified by Eisenberg fail to teach an event recorder for recording occurrences in proximity to the identification site upon initiation of the emergency response. Stinson as modified by Eisenberg fail to teach that the event recorder comprises a low-light camera and a microphone.

Zingher teaches that a bank could install equipment to record occurrences in proximity to the ATM machine and the equipment may be a low light camera or a microphone (col 11 lines 27-38).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Zingher to the teachings of Stinson as

modified by Eisenberg in order to identify thief that was coercing the customer or anyone that was applied damage to the apparatus, which helps the police and the authorities to capture the identified person.

Re claims 9 and 10: Stinson as modified by Eisenberg fail to teach a transaction delay routine stored in the memory, the transaction delay routine executable by the processor to delay a transaction upon initiation of an emergency response and a cash limiting routine stored in the memory, the cash limiting routine executable by the process to limit the cash delivered by the cash dispenser upon initiation of an emergency response.

Zingher teaches that the silent alarm or distress call is triggered, step 70. After the alarm is triggered, the system may slow down the whole transaction (col 8 lines 61+, Fig 7) and/or limit the funds available to be dispensed (col 9 lines 9+, Fig 8).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Zingher to the teachings of Stinson as modified by Eisenberg such that the system takes longer to dispense the cash, which creates more time for the authorities to respond to the alarm, and also prevent the thief or unauthorized user to steal large amount of money, which leads to less monetary loss. The modification prevents further danger to the authorized user/account owner at the same time helps capture the thief.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson as modified by Eisenberg as applied to claim 1 above, and further in view of Drexler et al (US 5,412,727). Stinson as modified by Eisenberg have been discussed above.

Stinson as modified by Eisenberg fail to teach that the biometric information comprises an electronic signature.

Drexler teaches that the biometric information comprises an electronic signature (col 2 lines 41-45, col 4 lines 3-8, col 7 lines 7-8).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Drexler to the teachings of Stinson as modified by Eisenberg in order to confirm that the user is authorized to utilize the system, which prevents thief and other unauthorized users to access the system to steal money or obtain confidential information.

5. Claim 12, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson et al in view of Eisenberg.

Re claim 12, 27 and 30: Stinson discloses an apparatus for providing automated financial transactions including a cash dispenser (col 20 lines 12-13) for conducting transactions, and a biometric reader for receiving biometric information about a customer (col 19 lines 56-57). The apparatus further includes a processor (col 19 lines 61+) and a memory (col 19 lines 58-60). Stinson teaches a stored biometric information about a customer that was received by the biometric device and stored in a memory (col 19 lines 56-60). Stinson also teaches a received biometric information from the biometric device and comparing the received biometric information to the stored biometric information (col 19 lines 64+). Stinson also teaches an identification software that compares an image of the customer produced by a camera with an image stored in conjunction with the customer's identficiation number in a database stored on the storage device (col 9, lines 56+). Software is a routine stored in a memory.

Stinson fails to teach a biometric reader further including a pressure-sensitive switch, initiating an emergency response by activating the pressure-sensitive switch, initiating an emergency response upon receiving the input from the pressure-sensitive switch if the received biometric information corresponds to the at least one biometric identification value stored in the memory, and the processor causing the communication device to initiate a communication upon initiation of the emergency response.

Eisenberg discloses an emergency PIN number and a system that checks the entered PIN number to determine whether it is an emergency PIN number for that user or not and, if an emergency PIN number has been entered, actuating an alarm, preferably a silent alarm (col 1 lines 58-62). The silent alarm will enable bank security people or the police to be dispatched immediately to the ATM (col 1 lines 67+). The PIN is entered using a keypad, which is a pressure-sensitive switch (col 3, lines 1-5).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Eisenberg to the teachings of Stinson in order to provide a system that enables a user to actuate an alarm without alerting a thief or potential thief, which avoids further danger to the user.

Re claim 28: Stinson fails to teach initiating a transaction to dispense cash if an emergency response is initiated.

Eisenberg teaches that the automatic teller system includes means for simulating a normal transaction in response to the determination that an emergency PIN number has been entered including means for dispensing a predetermined limited amount of cash to the user.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Eisenberg to the teachings Stinson in order to prevent the thief from noticing that the silent alarm has been triggered and that the authorities are on their way to the site of occurrence, which also prevents further danger to the authorized user/account owner and helps capture the thief.

Re claim 29: Stinson fails to teach that the transaction to dispense cash is carried out in a manner identical to a transaction to dispense cash made if no duress biometric information is received.

Eisenberg teaches a method including simulating a normal transaction in response to the determination that an emergency PIN number has been entered. In the simulated normal transaction, the user is prompted for amount of cash to be withdrawn on the display as in a normal transaction, and the user is thereafter asked to enter a cash amount on the keypad similar to a normal transaction. Eisenberg also teaches that cash is dispensed. (col 2 lines 11+). Although Eisenberg discloses that the system will automatically indicate that the credit limit is less than the amount requested so that only a limited amount of cash will be dispensed, the transaction is operated and the cash is dispensed, as if a normal transaction.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Eisenberg to the teachings of Stinson in order to avoid alerting the thief or potential thief that authorities have been notified, therefore also preventing further danger to the authorized user/account owner.

6. Claim 13-17 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson as modified by Eisenberg as applied to claim 12 and 27 above, and further in view of Zingher. Stinson as modified by Eisenberg have been discussed above.

Re claims 13-15 and 33: Stinson as modified by Eisenberg fail to teach an event recorder for recording occurrences in proximity to the identification site upon initiation of the emergency response. Stinson as modified by Eisenberg fail to teach that the event recorder comprises a low-light camera and a microphone.

Zingher teaches that a bank could install equipment to record occurrences in proximity to the ATM machine and the equipment may be a low light camera or a microphone (col 11 lines 27-38).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Zingher to the teachings of Stinson as modified by Eisenberg in order to identify thief that was coercing the customer or anyone that was applied damage to the apparatus, which helps the police and the authorities to capture the identified person.

Re claims 16, 17, 31 and 32: Stinson as modified by Eisenberg fail to teach a transaction delay routine stored in the memory, the transaction delay routine executable by the processor to delay a transaction upon initiation of an emergency response and a cash limiting routine stored in the memory, the cash limiting routine executable by the process to limit the cash delivered by the cash dispenser upon initiation of an emergency response.

Zingher teaches that the silent alarm or distress call is triggered, step 70. After the alarm is triggered, the system may slow down the whole transaction (col 8 lines 61+, Fig 7) and/or limit the funds available to be dispensed (col 9 lines 9+, Fig 8).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Zingher to the teachings of Stinson as modified by Eisenberg such that the system takes longer to dispense the cash, which creates more time for the authorities to respond to the alarm, and also prevent the thief or unauthorized user to steal large amount of money, which leads to less monetary loss. The modification prevents further danger to the authorized user/account owner at the same time helps capture the thief.

7. Claim 18-22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson in view of Eisenberg.

Re claims 18, 19, 22, 26: Stinson discloses an apparatus for providing automated financial transactions including a cash dispenser (col 20 lines 12-13) for conducting transactions, and a biometric reader for receiving biometric information about a customer (col 19 lines 56-57). Stinson teaches receiving biometric information and storing in the storage device (col 19 lines 56-60), comparing the received biometric information the stored biometric information (col 20 lines 1-2), and initiating a transaction if the received biometric information matches the stored biometric information (col 20 lines 3-6).

Stinson fails to teach a duress identification value, and initiating an emergency response to the duress transaction wherein the emergency response causes the communication device to contact an emergency operator.

Eisenberg discloses an emergency PIN number and a system that checks the entered PIN number to determine whether it is an emergency PIN number for that user or not and, if an emergency PIN number has been entered, actuating an alarm, preferably a silent alarm (col 1 lines 58-62). The silent alarm will enable bank security people or the police to be dispatched immediately to the ATM (col 1 lines 67+). Eisenberg also discloses a normal PIN number (col 1 line 58).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Eisenberg to the teachings of Stinson in order to provide a system that enables a user to actuate an alarm without alerting a thief or potential thief, which avoids further danger to the user.

Re claim 20: Stinson fails to teach initiating a transaction to dispense cash if an emergency response is initiated.

Eisenberg teaches that the automatic teller system includes means for simulating a normal transaction in response to the determination that an emergency PIN number has been entered including means for dispensing a predetermined limited amount of cash to the user.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Eisenberg to the teachings Stinson in order to prevent the thief from noticing that the silent alarm has been triggered and that the authorities are on their way to the site of occurrence, which also prevents further danger to the authorized user/account owner and helps capture the thief.

Re claim 21: Stinson fails to teach that the transaction to dispense cash is carried out in a manner identical to a transaction to dispense cash made if no duress biometric information is received.

Eisenberg teaches a method including simulating a normal transaction in response to the determination that an emergency PIN number has been entered. In the simulated normal transaction, the user is prompted for amount of cash to be withdrawn on the display as in a normal transaction, and the user is thereafter asked to enter a cash amount on the keypad similar to a normal transaction. Eisenberg also teaches that cash is dispensed. (col 2 lines 11+). Although Eisenberg discloses that the system will automatically indicate that the credit limit is less than the amount requested so that only a limited amount of cash will be dispensed, the transaction is operated and the cash is dispensed, as if a normal transaction.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Eisenberg to the teachings of Stinson in order to avoid alerting the thief or potential thief that authorities have been notified, therefore also preventing further danger to the authorized user/account owner.

8. Claim 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson as modified by Eisenberg as applied to claim 15 above, and further in view of Zingher (US 5,731,575).

Re claim 25: Stinson as modified by Eisenberg fail to teach an event recorder for recording occurrences in proximity to the identification site upon initiation of the emergency response.

Zingher teaches that a bank could install equipment to record occurrences in proximity to the ATM machine and the equipment may be a low light camera or a microphone (col 11 lines 27-38).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Zingher to the teachings of Stinson as modified by Eisenberg in order to identify thief that was coercing the customer or anyone that was applied damage to the apparatus, which helps the police and the authorities to capture the identified person.

Re claims 23 and 24: Stinson as modified by Eisenberg fail to teach delaying the transaction time of the remote terminal if an emergency response is initiated and limiting the cash available to be dispensed by the cash dispenser if an emergency response is initiated.

Zingher teaches that the silent alarm or distress call is triggered, step 70. After the alarm is triggered, the system may slow down the whole transaction (col 8 lines 61+, Fig 7) and/or limit the funds available to be dispensed (col 9 lines 9+, Fig 8).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Zingher to the teachings of Stinson as modified by Eisenberg such that the system takes longer to dispense the cash, which creates more time for the authorities to respond to the alarm, and also prevent the thief or unauthorized user to steal large amount of money, which leads to less monetary loss. The modification prevents further danger to the authorized user/account owner at the same time helps capture the thief.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lewis, U.S. Patent No. 6,213,391, discloses a portable system for personal identification based upon distinctive characteristic of the user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kumiko C. Koyama

Kumiko C. Koyama
June 10, 2004

Diane I. Lee

DIANE I. LEE
PRIMARY EXAMINER